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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/122,740	07/27/1998	KAZUHIRO TOMIZAWA	614.1907	4749

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 01/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/122,740

PR4
Applicant(s)

TOMIZAWA, KAZUHIRO

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 24 November 2003 (RCE).

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1,3-8,12,14-16 and 18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1,3,5-8,12,14-16 and 18 is/are rejected.

7) ☒ Claim(s) 4 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 24, 2003 has been entered. Claims 1, 3-8, 12, 14-16 and 18 remain pending for examination.

Response to Applicant's Remarks

2. Applicant(s) argued on pages 6 and 7, that the "data" in Watanabe is not similar to the "applications" in the present invention, in addition, the "data areas" in Watanabe are not similar to the "directory structure" in the present invention. However, upon further consideration, a new ground(s) of rejection is made in view of Japan Patent No. 07-262001 issued to Kazuo et al.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan Patent No. 07-262001 (year 1995) issued to Kazuo et al. (“hereinafter Kazuo”).

As per claim 12, Kazuo discloses “an information processing apparatus, for storing a plurality of applications” (see page 1, lines 24-27), comprising:

“a directory structure corresponding to the plurality of applications” as a file management 13b and field of a space 13a-2 are directories, in which the application 100 is stored in the file 13b and is composed of the main software 101, (see page 4, lines 2-5);

“wherein items of identification information are given to predetermined directories of the directory structure, respectively” as each FAT 13a-2 and 13a-3 consist of format identifier, (see page 3, lines 34-35), “the items of identification information being used for identifying the plurality of applications, respectively, the plurality of applications corresponding to the predetermined directories of the directory structure” as composed of a file name column 13a-41, file name extension column 13a-42 and file size column 13a-48, (see figure 7, page 3, lines 39-42);

“wherein an address of the plurality applications are the items of identification information” as the user data area 11, a RAM area 11a, a ROM are 11b (addresses), a medium

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ID recording sector 120 recorded in the ROM are in a physically reversible manner and an application program composed of main software 131 a data medium ID 132 of the original and a checking program 123 (applications), (see page 9, lines 31-36), “wherein one the plurality applications is needed when a file is executed” as reading of medium ID agrees with the medium ID of the original included in the application program SAMPLE.TXT, this means the optical disk that has been loaded in the optical disk drive is the original, in which the main software 131 is executed, (see page 9, lines 43-47).

As per claim 14, Kazuo discloses “an application management table that stores the items of identification information and starting addresses of the plurality of applications, the plurality of applications corresponding to the items of identification, respectively, (page 4, lines 40-42).

As per claim 15, Kazuo discloses, “wherein an item of the items of identification information is given to the highest directory of the directory structure”, (see page 3, lines 10-11).

As per claim 16, discloses, the limitations of claim 16 are rejected in the analysis of claim 12, and this claim is rejected on that basis.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan Patent No. 07-262001 (year 1995) issued to Kazuo et al. ("hereinafter "Kazuo").

As per claim 1, Kazuo discloses "an application managing method for a case where a plurality of applications are stored" (see page 1, lines 24-27), comprising:

"forming a directory structure corresponding to the plurality of applications" as the file management area 13a, file 13 13b and the directory 13a-4, in which the application 100 is stored in the file 13b and is composed of the main software 101, (see page 4, lines 2-6);

"giving items of identification information to predetermined directories of the directory structure, respectively" as each FAT 13a-2 and 13a-3 consist of format identifier, (see page 3, lines 34-35), "the items of identification information being used for identifying the plurality of applications, respectively, the plurality of applications corresponding to the predetermined directories, respectively" as a means for showing the location of file name, in which a directory entry and a FAT entry presented, (see figure 8, page 3, lines 43-46);

“wherein an address of the plurality applications are the items of identification information” as the user data area 11, a RAM area 11a, a ROM are 11b (addresses), a medium ID recording sector 120 recorded in the ROM are in a physically reversible manner and an application program composed of main software 131 a data medium ID 132 of the original and a checking program 123 (applications), (see page 9, lines 31-36), “wherein one the plurality applications is needed when a file is executed” as reading of medium ID agrees with the medium ID of the original included in the application program SAMPLE.TXT, this means the optical disk that has been loaded in the optical disk drive is the original, in which the main software 131 is executed, (see page 9, lines 43-47). Kazuo does not explicitly disclose steps of performing management so that an application of the plurality of applications corresponding to a directory of the predetermined directories is selected in accordance with an item of the items of identification information given to a directory of the predetermined directories, when the directory of the predetermined directories is selected. On the other hand, Kazuo discloses the file management area 13a, 13b, the FAT 13a-2 and the directory, in which the application program 100 is stored in the file area 13b and is composed of the main software 101, (see page 4, lines 2-6). It would have been obvious to a person of ordinary art at the time of the invention was made to modify the teachings of Kazuo with performing management so that an application of the plurality of applications corresponding to a directory of the predetermined directories is selected in accordance with an item of the items of identification information given to a directory of the predetermined directories, when the directory of the predetermined directories is selected. Such modification would allow the teachings of Kazuo to improve the accuracy and the reliability of the application managing method and information processing apparatus using the method.

As per claim 3, Kazuo further discloses “preparing an application management table storing the items of identification information and starting addresses of the plurality of applications that correspond to the items of identification information, respectively” as the correspondence table indicating the correspondence between the logical and physical addresses of the entire disk is created using the alternate management information, (see page 4, lines 19-20);

“referring to the application management table when a directory of said predetermined directories is selected, so as to recognize a starting address of an application of the plurality of application, the starting address correspond to an item of the identification information given to the directory of the predetermined directories” (see page 4, lines 40-42), “and to access application of the plurality of applications” as the normal sector 2 is accessed rather being treated as a defective sector, when the software 110 that has been stored on a prescribed recording medium (the original or a copy) is executed, (see page 2, lines 19-21).

As per claim 5, Kazuo discloses, “wherein an item of the items of identification information is given to the highest directory of the directory structure”, (see page 3, lines 10-11).

As per claim 6, the limitations of claim 6 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

As per claim 7, the limitations of claim 7 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

As per claim 8, Kazuo further discloses “wherein then an application of the plurality of applications is updated, an application obtained from updating the application of the plurality of applications is added to the plurality of applications”, (see page 10, lines 14-16),

“wherein an item of the items of identification information for identifying the application of the plurality of applications is changed to an item of identification information for identifying the application obtained from updating the application of the plurality of applications”, (see page 10, lines 14-16).

5. Claim 18 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan Patent No. 07-262001 (year 1995) issued to Kazuo et al. (“hereinafter Kazuo”) in view of U.S. Patent No. 5,276,903 issued to Shinagawa (“hereinafter Shinagawa”).

As per claim 18, in addition to claim 1, Kazuo does not explicitly disclose steps of building a file structure on an IC (integrated circuit) card, wherein each of a plurality of files in the file structure corresponds to one of a plurality of applications that are stored on the IC card. However, Shinagawa discloses a method for rewriting the program of an IC card comprises storing in a rewritable non volatile memory a processing program to be executed in an ALU and management information for managing the area where the processing information is stored in the non volatile memory in subareas of divisional program which may include data, (see col. 2, lines

3-10). It would have been obvious to a person of ordinary art at the time of the invention was made to modify the combined teachings of Kazuo and Shinagawa with steps of building a file structure on an IC (integrated circuit) card, wherein each of a plurality of files in the file structure corresponds to one of a plurality of applications that are stored on the IC card. Such modification would allow the teachings of Kazuo and Shinagawa to improve the accuracy and the reliability of the application managing method and information processing apparatus using the method, and to provide an integrated circuit card and a method for rewriting its program in which the rewrite can be accomplished in a very short time by only transferring a divided program including a part to be written, (see col. 1, lines 58-62).

Claim Objection

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach or suggest in combination with other elements, storing size information at a starting address of each application of the plurality applications, the size information indicating a size of the application of the plurality applications; and

repeating detection of the size of an application of the plurality of applications from the size information stored in the starting address of the application of the plurality of applications, and search for a starting address of a next application of the plurality of applications in accordance with the size of the preceding application of the plurality of applications, so as to

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obtain the starting address of a desired application of the plurality of applications as recited in claim 4.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakashima et al. et al. U.S. Patent No. 5,661,800 relates to unauthorized use. Stockman et al. U.S. Patent No. 5,778,392 relates to the storage organization of digital data files that are stored on random access storage devices. Tomita et al. U.S. Patent No. 6,449,607 relates to a disk storage device having a modifiable data management function.

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Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Fleurantin whose telephone number is 703-308-6718.

The examiner can normally be reached on 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BREENE JOHN E can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


Jean Bolte Fleurantin

2003-12-20